

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION

ASHLEY A. DIAMOND,

Plaintiff,

v.

BRIAN OWENS, *et al.*,

Defendants.

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CIVIL ACTION NO. 5:15-CV-50 (MTT)

ORDER

Ashley Diamond's complaint seeks, among other things, injunctive and declaratory relief because of the alleged violation of her constitutional rights while in the custody of the Georgia Department of Corrections ("GDOC"). On August 31, 2015, Diamond was released. (Doc. 67). An inmate's release from prison moots claims for injunctive and declaratory relief. *Zatler v. Wainwright*, 802 F.2d 397, 399 (11th Cir. 1986). In recognition of this, Diamond moved to withdraw her motion for preliminary injunction (Doc. 1) and moved to amend her complaint to strike paragraphs A through G of the Prayer for Relief which request injunctive and declaratory relief. (Doc. 67). In the alternative to amending her complaint, Diamond asks the Court to dismiss the claims for injunctive and declaratory relief without prejudice.

Diamond's motion to withdraw her motion for a preliminary injunction is **GRANTED**, and her requests for injunctive and declaratory relief are **DISMISSED without prejudice**. Because the claims against the Defendants in their official capacities are only for prospective injunctive relief, all claims against Defendants sued in their official capacities are **DISMISSED as moot**. Regarding specific claims, in Count

2 Diamond has asserted claims against Brian Owens and Sharon Lewis for GDOC's allegedly unconstitutional (and former) freeze-frame policy on transgender inmates. As Diamond concedes, the requests for declaratory and injunctive relief regarding this policy are now moot. Thus, the claims in Count 2 against Owens and Lewis in their official capacities are **DISMISSED as moot**. Count 2 remains pending against Lewis in her individual capacity. In Count 4, Diamond has asserted failure-to-train claims against Owens and Lewis. The failure-to-train claims against Owens and Lewis in their official capacities are **DISMISSED as moot**. The failure-to-train claim against Lewis in her individual capacity remains pending. Because Diamond sued Owens only in his official capacity, he is **DISMISSED** as a Defendant.

SO ORDERED, this 14th day of September, 2015.

S/ Marc T. Treadwell
MARC T. TREADWELL, JUDGE
UNITED STATES DISTRICT COURT